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## ESTATE PLANNING DEFICIENCIES CHECK-UP

### WHY DO YOU NEED AN ESTATE PLAN?

The number one reason people don't create an estate plan is because they believe their estate is too small. However, estate planning is for everyone because without proactive planning, state laws will determine how your assets pass, to whom they pass, and when they pass. This can lead to undesired results, and is perhaps the most costly way to pass assets to loved ones – even if those assets are small. An estate plan isn't just about tax and probate avoidance; it is about establishing a legacy and a clear process for your care and the care of your loved ones upon your incapacity or death.

A well-structured estate plan provides benefits in five key areas:

<b>PEACE OF MIND</b>	<b>INCAPACITY</b>	<b>ASSETS</b>	<b>PROTECTION</b>	<b>TAXES</b>
<p><b>Name</b> guardians for minor children</p> <p><b>Appoint</b> trusted people to manage your affairs</p> <p><b>Keep</b> your affairs private</p> <p><b>Build</b> a legacy to pass to your loved ones</p>	<p><b>Choose</b> who will make emergency health care decisions for you in the event you are unable to do so</p> <p><b>Identify</b> how you wish to determine if you are mentally disabled</p> <p><b>Care</b> for you and your loved ones in the event you are unable to do so</p>	<p><b>Avoid</b> delays and expense of probate</p> <p><b>Prevent</b> possible will contests and disputes</p> <p><b>Designate</b> beneficiaries on retirement plans and life insurance policies</p>	<p><b>Protect</b> your children's inheritance if your surviving spouse remarries or from a divorcing spouse</p> <p><b>Protect</b> assets passed to your surviving spouse and to your children's inheritance from creditors and lawsuits</p>	<p><b>Minimize</b> possible federal and state estate taxes at your death (including taxes on your house, life insurance and IRA's)</p> <p><b>Maintain</b> consistency with current tax laws</p>

## CURRENT PLANNING QUESTIONNAIRE

The following questions will help you determine if your current estate plan is sufficient to accomplish your goals of providing for your care during incapacity, protecting your loved ones, and passing your assets to whom you want, when you want, and in the way you want.

1. Do you have a current plan (a Will or Trust) in place?  YES  NO  DON'T KNOW
  2. Do you have a current Durable Power of Attorney?  YES  NO  DON'T KNOW
  3. Do you have a current Health Care Power of Attorney?  YES  NO  DON'T KNOW
  4. Do you have an Advanced Healthcare Directive (a.k.a. Living Will)?  YES  NO  DON'T KNOW
  5. Has your current plan been reviewed in the last two years?  YES  NO  DON'T KNOW
  6. Does your current plan contain a customized plan to determine if you are mentally disabled?  YES  NO  DON'T KNOW
  7. Does your current plan give instructions for your care and the care of your loved ones in the event of your disability?  YES  NO  DON'T KNOW
  8. Are you certain your current plan will minimize possible federal estate taxes at your death, including taxes on your house, life insurance and IRA's?  YES  NO  DON'T KNOW
  9. Is your current plan fully funded so that not one single item will have to go through probate?  YES  NO  DON'T KNOW
  10. Have you taken steps to avoid possible will contests and disputes during the administration of your estate?  YES  NO  DON'T KNOW
  11. Does your current plan protect your children's inheritance?  YES  NO  DON'T KNOW
    - 11.A. In the event your surviving spouse chooses to remarry?  YES  NO  DON'T KNOW
    - 11.B. From creditors?  YES  NO  DON'T KNOW
    - 11.C. From lawsuits?  YES  NO  DON'T KNOW
    - 11.D. From a divorcing spouse?  YES  NO  DON'T KNOW
  12. Does your current plan protect assets passed to your surviving spouse?  YES  NO  DON'T KNOW
    - 12.A. In the event your surviving spouse chooses to remarry?  YES  NO  DON'T KNOW
    - 12.B. From creditors?  YES  NO  DON'T KNOW
    - 12.C. From lawsuits?  YES  NO  DON'T KNOW
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13. Have you recently checked the beneficiary designations of your retirement plans and life insurance policies?  YES  NO  DON'T KNOW
14. If you have a Trust, are you confident that you have not listed your estate or any minor children as either primary or secondary beneficiaries of your retirement plans and life insurance policies?  YES  NO  DON'T KNOW
15. Does your current plan name guardians for your minor children?  YES  NO  DON'T KNOW
16. Does your current plan name an executor or successor trustee?  YES  NO  DON'T KNOW
17. Are you confident your executor, power of attorney, and successor trustee are prepared to act on your behalf when asked to?  YES  NO  DON'T KNOW

### **\$250.00 ESTATE PLANNING CONSULTATION CREDIT**

(\*EP Consultation Credit is applicable with engagement of services. Valid through

December 31, 2015

If you answered **No** or **Don't Know** to any of the questions, you can sign up for your own personal estate planning consultation. Complete this form and we will contact you to schedule your personal consultation.

**Yes!** I'd like to receive my consultation credit of \$250.00 to discuss my estate planning deficiencies.

1. Your Name : \_\_\_\_\_

2. Telephone Number: \_\_\_\_\_

3. Address: \_\_\_\_\_

4. Email: \_\_\_\_\_

Please e-mail the completed form to [paralegal@clindsaylaw.com](mailto:paralegal@clindsaylaw.com)

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